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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2011-532

12 **MARCO AURELIO PINTO RIBEIRO**  
4733 Torrance Blvd., #104  
13 Torrance, CA 90503

**A C C U S A T I O N**

14 Registered Nurse License No. 763531

15 Respondent.  
16

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department  
21 of Consumer Affairs (Board).

22 2. On or about November 30, 2009, the Board issued Registered Nurse License  
23 No. 763531 to Marco Aurelio Pinto Ribeiro (Respondent). The Registered Nurse License was in  
24 full force and effect at all times relevant to the charges brought herein and will expire on  
25 July 31, 2011, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following  
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

1 **STATUTORY PROVISIONS**

2 4. Section 118, subdivision (b), provides that the suspension, expiration, surrender or  
3 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary  
4 action during the period within which the license may be renewed, restored, reissued or  
5 reinstated.

6 5. Section 490 provides that a board may suspend or revoke a license on the ground that  
7 the licensee has been convicted of a crime substantially related to the qualifications, functions, or  
8 duties of the business or profession for which the license was issued.

9 6. Section 2750 provides that the Board may discipline any licensee, including a  
10 licensee holding a temporary or an inactive license, for any reason provided in Article 3  
11 (commencing with section 2750) of the Nursing Practice Act.

12 7. Section 2764 provides that the expiration of a license shall not deprive the Board of  
13 jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision  
14 imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an  
15 expired license at any time within eight (8) years after the expiration.

16 8. Section 2761 states, in pertinent part:

17 "The board may take disciplinary action against a certified or licensed nurse or deny an  
18 application for a certificate or license for any of the following:

19 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

20 . . . .

21 "(f) Conviction of a felony or of any offense substantially related to the qualifications,  
22 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
23 conclusive evidence thereof. . . ."

24 **REGULATORY PROVISIONS**

25 9. California Code of Regulations, title 16, section 1444, states:

26 "A conviction or act shall be considered to be substantially related to the qualifications,  
27 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
28 potential unfitness of a registered nurse to practice in a manner consistent with the public health,

1 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

2 . . . .  
3 “(c) Theft, dishonesty, fraud, or deceit. . . .”

4 **COST RECOVERY**

5 10. Section 125.3 provides, in pertinent part, that the Board may request the  
6 administrative law judge to direct a licensee found to have committed a violation or violations of  
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
8 enforcement of the case.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Conviction of Crime)**

11 11. Respondent is subject to disciplinary action under sections 490, and 2761,  
12 subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444,  
13 subdivision (c), in that on or about June 4, 2010, Respondent was convicted of a crime  
14 substantially related to the qualifications, functions, and duties of a registered nurse, as follows:

15 a. On or about June 4, 2010, after pleading nolo contendere to Count 2 of 11 counts,  
16 Respondent was convicted of one felony count of violating Penal Code section 487(a) [grand  
17 theft of personal property], in the criminal proceeding entitled *The People of the State of*  
18 *California v. Marco Aurelio Ribeiro* (Super. Ct. Los Angeles County, 2010, No. TA111764).  
19 The Court sentenced Respondent to two (2) days in jail, placed him on 36 months of formal  
20 probation, ordered him to provide biological samples, and ordered him to pay restitution.

21 b. The circumstances are that on or about March 18, 2010, Respondent and a female  
22 associate were arrested for admittedly stealing merchandise from various retail stores, on or about  
23 February 13, 2010 February 15, 2010, February 18, 2010, February 23, 2010, March 4, 2010,  
24 March 18, 2010, March 19, 2010 and March 24, 2010.

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Unprofessional Conduct)**

27 12. Respondent is subject to disciplinary action under section 2761, subdivision (a), in  
28 conjunction with California Code of Regulations, title 16, section 1444, subdivision (c), in that

1 Respondent committed acts of unprofessional conduct. Complainant refers to and by this  
2 reference incorporates the allegations set forth above in Paragraph 11, subparagraphs (a) and (b),  
3 inclusive, as though set forth fully.

4 **PRAYER**

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
6 and that following the hearing, the Board issue a decision:

- 7 1. Revoking or suspending Registered Nurse License No. 763531, issued to Marco  
8 Aurelio Pinto Ribeiro;
- 9 2. Ordering Marco Aurelio Pinto Ribeiro to pay the Board the reasonable costs of the  
10 investigation and enforcement of this case, pursuant to section 125.3; and
- 11 3. Taking such other and further action as deemed necessary and proper.
- 12  
13

14 DATED: \_\_\_\_\_

12/15/10



LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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